

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SAMUEL “BUD” PETRYSZAK,
Charging Party/Appellant,

Case # 0121015477

-v-

DELTA AIRLINES, INC. AND
ALASKA AIRLINES,
Respondent/Appellee.

ORDER
FINAL AGENCY DECISION

Charging Party, Samuel “Bud” Petryszak (Petryszak), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination by a public accommodation on the basis of physical disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Petryszak’s allegations that Respondent, Delta Airlines, Inc., and Alaska Airlines, unlawfully discriminated against Petryszak. The Department issued a Notice of Dismissal. Petryszak filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 16, 2013. Samuel “Bud” Petryszak appeared and argued on his behalf. Kali Wilson Beyah, paralegal, appeared by telephone and argued on behalf of Delta Airlines, Inc. and Jill Gerdrum, attorney, appeared and argued on behalf of Alaska Airlines.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Samuel “Bud” Petryszak’s objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Delta Airlines, Inc. and Alaska Airlines.

DATED this 16th day of January 2013.

A handwritten signature in black ink, appearing to read "C. Wolken", is written above a horizontal line.

Cynthia Wolken, Acting Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 16th day of January 2013.

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Annah Smith, Legal Secretary
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